



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Patent Examiner: John K. Ford

: HEAT EXCHANGE ASSEMBLY

Group Art Unit: 3753

In re application of:
GEOFFREY R. MORRIS

Serial No.: 09/674,256
Filed: December 22, 2000

: Attorney Docket No. 282318-00008

REPLY TO EXAMINER'S ANSWER

May 11, 2005

Commissioner For Patents
MAIL STOP APPEAL BRIEF - PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Examiner's Answer, dated March 11, 2005, Appellant files this Reply.

Status of the Claims

Claims 1-5, 12 and 14-16 stand rejected under 35 U.S.C. § 102(b) as being anticipated by, or in the alternative under 35 U.S.C. § 103(a) as obvious over, *Saperstein et al.*, U.S. Patent No. 5,242,015.

Claims 1-5, 12 and 14-16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Saperstein* in view of JP 61-202084.

Claims 9 and 10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Saperstein* or *Saperstein*/JP '084 and further in view of *Kennon*, U.S. Patent No. 6,173,767.

Appellant notes with appreciation the explicit withdrawal of the rejection predicated on AU-B-68020/98 and the allowance of claims 12, 14, and 15.

Appellant further notes that, although the Examiner's Answer has included new arguments not found in the final rejection, the Examiner has not designated these arguments as a "new ground of rejection" as required by 37 C.F.R. § 41.39(b). As the Examiner has not designated a new ground of rejection, Appellant does not have the right to request that prosecution be reopened under 37 C.F.R. §

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